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was promised to him, and thus we left Virginia, commending it to the Lamb.

In the evening we came to *Jonathan Haeger*, [near Hagerstown, Md.], where we stayed over night.\*

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**PROCEEDINGS OF THE VIRGINIA COMMITTEE  
OF CORRESPONDENCE, 1759-'67.**

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From the Originals in the Virginia State Archives.

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(CONTINUED.)

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[PROCEEDINGS OF THE COMMITTEE, APRIL 30, 1762.]

April 30th, 1762.

At a Committee held at the Capitol, April 30, 1762.

Present: The hon'ble Wm. Nelson & Peter Randolph, Esq<sup>r</sup>,  
Jno. Robinson, Peyton Randolph, B. Waller, G. Wythe, & R.  
C. Nicholas, Esqrs.

Mr. Nelson laid before the Board a L<sup>r</sup> he had some time ago wrote to Mr. Montague in Behalf of Col. Churchill representing him as an Object of Charity & desiring him to assist the Representation of some of the principal.

Ordered that a Com. be appointed to prepare a L<sup>r</sup> to the Agent to furnish him with Instruct<sup>ns</sup> for supporting the Act of the last Sess<sup>n</sup> of Assembly for raising a new Regiment & order<sup>t</sup> a new Emission of Paper Money for their Support; Also the Act of a former Sess<sup>n</sup> for appoint<sup>t</sup> a Com. to burn the Treasury Notes paid into the Treasury & of all other public Acts in which it may be necessary for him to give his Assistance for their Support

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\* The missionaries, during this journey, passed through territory now comprising the counties of Hampshire, Hardy and Pendleton, in West Virginia, and Highland, Bath, Alleghany, Roanoke, Montgomery, Botetourt, Rockbridge, Augusta, Rockingham, Page, Shenandoah and Frederick in Virginia.

& it is ref<sup>d</sup> to P. Randolph, Esq', Mr. Speaker, Mr. Attorney, & Mr. Wythe to prepare the same.

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AT A COM. HELD MONDAY, MAY 4TH, '62.

Present: The hon'ble P. R. Esq', J. Robinson, P. Randolph, B. Waller, R<sup>d</sup> Bland, G. Wythe & R. C. Nicholas, Esq'.

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[Endorsement.]

May 3rd, 1763.

March, 1763.

AT A COMMITTEE OF CORRESPONDENCE HELD THE 29TH OF MARCH, 1763.

Present: The hon'ble William Nelson & Thomas Nelson, Esq'', John Robinson, Peyton Randolph, Benjamin Waller, Geo. Wythe & Robert Carter Nicholas, Esq'.

Three sev' L's from Mr. Montague of Nov' 8th, Aug' 30 & Sep' 25th were read.

The Com. thereupon directed that a L' should be prepared, in which he sh<sup>d</sup> receive the Thanks of the Com. for his early Intelligence of the Negotiations for Peace, as extremely acceptable to this Country.

That the Com. cannot recede from their Disallowance of Mr. Abercrombie's Charge ag<sup>t</sup> the Country for obtaining a Quietus at passing his Acts: & particularly that it is the Opinion of this Com. that his Commiss<sup>a</sup> on the sev' large Parl. Grants in fav' of this Colony far exceed anything he could expect when first appointed Agent. The Com. have not seen Mr. Abercrombie's Letter to the Gov'. They refer Mr. Montague to their L' on that Subject of the 4th May, in which the Resolution of the Ass. is inserted, which they cannot now contradict.

The Agent is to be furnish'd with Reasons in Support of the Law relating to the Election of Burgesses.\* The Relief of insolvent Debtors.† The Stray Law. ‡ For regulating the Gold Coin of the German Empire.§

To apply to Parl. for Leave to import Salt from Europe & to furnish him with Reasons on that Subject, & if any Object ag<sup>t</sup>

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\* *Hening*, VII, 517.

† *Hening*, VII, 549.

‡ *Hening*, VII, 545.

§ *Hening*, VII, 575.

such a Law sh<sup>d</sup> occur to him that he will inform the Com. by the first Op<sup>r</sup>. That he also ask for the Assist<sup>e</sup> of other Agents.

To acquaint Mr. Montague that the Gov<sup>r</sup> has been pleased to lay before the Com. his L<sup>r</sup> to the L<sup>ds</sup> of Trade relative to the Act for regulating the Elect<sup>a</sup> of Burgesses which contains his Sentiments on that Subject.

Mr. Nelson, Mr. Secretary, Mr. Speaker, Mr. Atto. & Mr. Nicholas.

Mr. Montague not to apply for the King's Assent to any of these Laws but to move only which have suspending Clause.

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[ENCLOSURE I.]

[LETTER TO THE AGENT.]

With this you will receive a Copy of the Acts passed by our Assembly at their last Session,\* among which are two the Execution whereof are suspended untill his Majesty's Approbation shall be obtained. The first of these is the Act "For directing and better regulating the Elections of Burgesses,† for settling their Privileges, and ascertaining their Allowances." From a Letter of the Governor's to the Lords of Trade, a Copy of which his Honor with his usual Candour has been pleased to lay before us, we are apprehensive their L<sup>ps</sup> or their Council may start some Objections to this Act, for in this Letter the Gov<sup>r</sup> mentions the Act and takes particular Notice of two Clauses in it, by one of which it is enacted that an Assembly shall be holden once in three years at least, and by the other that an Assembly shall not continue longer than seven Years at the farthest, and, from an Apprehension that they may be looked upon by the Ministry as an encroachment upon the Royal Prerogative, he recommends it to their Lordships to have the matter immediately referred to their Council to have his Opinion upon it. The Assembly we are satisfied had not the least Intention of encroaching upon the Prerogative, nor could they suppose that those Clauses which are exactly conformable to the Laws of Great Britain would be

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\* The session of Assembly began November 2, 1762. See *Hening*, VII, 517-638.

† *Hening*, VII, 517.

veiwed in that light. The Design of the Assembly in passing this Act was to reduce the several Acts relating to the Matters therein contained into one Act, with such Amendments as appeared necessary, among these are the Clauses before mentioned, in which they only followed the Example of their Mother Country, and We hope the takeing her for a Pattern will not be imputed to them as an act of disloyalty. The Governor has likewise in his Letter taken Notice of the Increase of the Allowance to the Burgesses, but in this We apprehend his Honor attended only to the Act of 1730,\* and overlooked the Act passed in 1705.† The Allowance of the Burgesses settled by the Act of 1705 was One hundred & thirty Pounds of Tobacco and Cask a day, which as Tobacco was then rated at 10s. 3<sup>d</sup> ct., amounted to about 13s. 4d. By the Act of 1730 it is declared that every Burgess for each day he shall serve in the house of Burgesses shall, in lieu of all other Demands for his said services be paid Ten Shillings a day out of the public money, if upon Examination of the Treasurers Acc<sup>t</sup> it shall appear that there will be left in his hands a Ballance of One thousand two hundred Pounds at the least, over and above discharging all the money Debts due from the public together with the Burgesses Wages and the Salaries of the Officer's of the Assembly, but from the low state of the Treasury this Act has hitherto had very little Effect, and therefore, to prevent the Burgesses from takeing One hundred and thirty Pounds of Tob<sup>o</sup> & Cask a day from their Counties agreeable to the Act of 1705, the value of which has been generally double and sometimes treble the Sum allowed by the Act of 1730, the Assembly have at almost every Session passed an Act for paying their Wages at a future day out of the public Money that should then be in the Treasurer's hands, to avoid the Necessity of so frequently recuring to that Expedient, it is provided by this Act that the Burgesses whether they are paid by their Counties or out of the Treasury, shall receive fifteen shillings a day, this was looked upon as a Medium between the Allowances settled by the two other Acts, and we conceive that this Allowance cannot be thought unreasonable, when it is considered that the Price of every necessary Article of Expence is greatly risen since 1730,

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\* *Hening*, IV, 278.† *Hening*, III, 236.

and we hope the Assembly will be fully justified in settling this Allowance, when it is further considered, that as there is no probability of the Burgesses ever being paid agreeable to the Act of 1730, they would always have it in their power, by refusing their Assent to the Expedient above mentioned, to take from their Counties One hundred & thirty Pounds of Tob<sup>o</sup> a day, which would much exceed the Allowance given by this Act. The Reasons for the several other Amendments will readily occur to you by comparing this Act with those that are repealed by it. We hope the Reasons here offered with such as your own good Sense shall suggest to You will be sufficient to obviate any Objections that may be made to the Act, and that you will be able to obtain his Majesty's Approbation to it.

Acts repealed by this Act.

4th. Anne, Chap. 2d.\*

9. George I, Chap. 4.†

3 & 4. George II. Chap. 7.‡

10. George II, Chap. 2.§

The other Act to w<sup>ch</sup> the King's Approbat<sup>n</sup> is to be obtained is (Stray Law). By this Act the former Method of proceeding with Strays is alt<sup>d</sup>. you will meet with little Difficulty with Respect to this Law, & the only reason for desir<sup>g</sup> you to obtain the royal Ass<sup>'</sup> is that it has a suspend<sup>'g</sup> Clause in Conseq<sup>ce</sup> of its repeal<sup>'g</sup> the former Law.

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[ENCLOSURE 2.]

[LETTER TO THE AGENT.]

We desire your attention to the Act entituled an Act for relief of insolvent Debtors,|| &c., which also pass'd at ye last Sess.

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\* *Hening*, III, 236.

† Chapter IV, 9 George I, as the laws now appear in *Hening* does not agree with the reference given in the text; but Chapter IV, in *Hening*, is from the revisal of 1733, and not from the sessions acts as originally enrolled. The law referred to is doubtless Chapter VIII (*Hening*, IV, 135). See the sixth clause.

‡ *Hening*, IV, 278.

§ *Hening*, IV, 475.

|| *Hening*, VII, 549.

By the Act of the 22d, of Geo. 2d, Cap. 12, referred to in the preamble, debtors charged in Execution after laying Twenty days in prison had a right upon delivering a schedule of their Estates real and personal in the method therein prescribed, to demand a discharge. And the Effects were subject to the payment of the debts due to the persons at whose Suit they were in Execution, but then they were afterwards liable to pay debts due before such discharge if at any time the Creditors shou'd find they were in circumstances to do so. The present law seems to have two objects, one to introduce an equality \* \* the Creditors, the other to release the debtor intirely from the terror of former incumbrances when he shall have complied with the law by delivering up everything he possesses.

The law first mentioned makes the Estate of the debtors subject to those debts only for which they are charged in Execution; which restriction will necessarily exclude many distant creditors, and such as have been remiss in bringing suits, especially as the time is so short as twenty days; but by the present regulation full time is given for all creditors to come in and the legislature have regarded the Interest of the British as well as of the Virginia Creditor.

On the other point it may be observed, that where a man, who is unable to pay his debts has made his Creditors all the amends in his power by giving up everything he has in the world, humanity as well as policy seem to require that he should be discharged. It would be cruel to leave such a man to the Oppression of his Creditors when he has done everything that unavoidable misfortunes and the strange vicissitudes of human affairs have left in his power, and such a member may probably be lost to the society, if he is not permitted to go to work without such a cloud hanging over him, which will inevitably burst on him when ever his prosperity attracts it.

You may perceive this is a Step towards introducing the Statutes of bankruptcy amongst us. It appeared that the country was not ready to receive them in that extent they have been carried to in our mother Country. That punctuality which is required in the immense trade she is engaged in, the least failure in which constitutes a bankruptcy, cannot be expected in an infant country where the rules and Conveniences of trade are not

well established. The Assembly therefore thought it not safe to venture any further at this time.

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[ENCLOSURE 3.]

[LETTER TO THE AGENT.]

The Gov. in his L<sup>r</sup> above ment<sup>d</sup> has also taken Notice of this Act inform<sup>s</sup> their L<sup>d</sup>sps that as the Benefit of the Act was not reciprocal & the Int. of ye Merch<sup>ts</sup> trad<sup>s</sup> from G<sup>t</sup> Britain might be affected thereby he had some doubts wh<sup>r</sup> there ought not to be a suspend<sup>s</sup> Clause in it but upon the Advice of his Council who from their long Experience he thought were better acquainted with those affairs than himself he vent<sup>d</sup> to pass it witho<sup>t</sup> the Clause & we conceive his·Hon<sup>r</sup> was right in so doing as no Act then in force was repeal<sup>d</sup> thereby & the Int. of ye Merch<sup>ts</sup> was properly secured.

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[ENCLOSURE 4.]

[LETTER TO THE AGENT.]

We have it in Charge from the Gen<sup>l</sup> Assembly to desire that You will apply to Parliament for an Act to allow to this Colony the same Liberty to import Salt from Lisbon or any other European Ports, which they have long enjoy<sup>d</sup> in the Colonies & provinces of New England, New York & Pennsylvania. This is a Point that hath been more than once unsuccessfully labour<sup>d</sup>; But We think it is so reasonable, that when it is set in a proper Light, We shall hope for Success. The Reason upon which the Opposition hath been supported, is this General one that it is contrary to the Interest of Great Britain to permit her Plantations to be supply<sup>d</sup> with any Commodity, especially any Manufacture from a foreign Country, which She herself can supply them with. This We allow to be of force; provided the Mother Country car. & does supply her Plantations with as much as they want; But the Fact being otherwise, We have been allow<sup>d</sup> to supply Ourselves with large Quantities from Cercera, Isle of May, Sal Tatudio, &c. The Course of this Trade being hazardous, in time of War, This useful & necessary Article hath been brought to Us at a high Price of late. The Reason or Pretence



of granting this Indulgence to the Northern Colonies, in Exclusion of the Southern, We presume to be, to enable them to carry on their Fishery to greater Advantage, the Salt from the Continent of Europe being fitter for that purpose than the Salt from G<sup>t</sup> Britain or That from any of the Islands We have mention<sup>d</sup>, But surely this Reason is but weakly founded with Respect to Pennsylvania, whose Rivers scarcely supply them with Fish sufficient for their own use; whereas the Bay of Cheasapeak abounds with great Plenty & Variety of Fish fit for foreign Markets, as well as for Ourselves, if We could but get the properest Kind of Salt to cure it. Herrings & Shads might be exported to the West Indies to great Advantage; & We could supply the British Markets with finer Sturgeon than they have yet tasted from the Baltick. And it is an allowed Principle that every Extention of the Trade of the Colonies, w<sup>ch</sup> does not interfere with That of the Mother Country is an Advantage to the latter: since all our Profits ultimately center with Her.

Sev<sup>l</sup> Ships which carry'd Corn to Lisbon this Year and were bound from thence to Virg<sup>a</sup> for a Load of Tob<sup>o</sup> have been forced to proceed first to the Bay of Delaware to enter their Salt.

This is an unnecessary Legthening of the Voiage which wou'd be avoided if they were at Liberty to bring it directly to Virg<sup>a</sup> & this Loss of time is the more consid<sup>d</sup> when the North<sup>y</sup> Winds set in & continue for anytime.

In our interior Settlements near & beyond the Mountains, the necessary Expende of Salt is very great, as They cannot keep a Horse, Cow, Sheep or Hog in a thriving Condition without a liberal use of it.

As We have said that G<sup>t</sup> Britain does not supply us with a sufficient Quantity, it may be proper to acquaint You that almost the whole that comes from thence is ship't from Bristol & Liverpoole, a little sometimes from Limington; But the Merchants there seldom will send the Planter the full Quantity he orders at the cheapest Hand, & think they do us a favour if they send us half the Quantity of so bulky a Comodity; the Remainder that his Ship can conveniently stow, he sends in, & orders his Captain to sell it at an advanced Price to his own advantage. This is more generally practiced from Liverpoole than Bristol.

As the present Session of Parliament, We apprehend, will be

too far advanced for You to do any thing in this Affair at present, We desire you will before the next Session endeavour to make Yourself acquainted with this Subject; & if You meet with any Arguments of Weight ag<sup>st</sup> it, You will please to communicate them to us, that We have time to furnish You with proper Answers to obviate them.

It is uncertain whether or not You will find the Merchants in Temper yet to join & assist You in this Application; Yet as it would be a particular Advantage to the Voyage of every Ship that carries Corn, &c., to Lisbon & from thence to Virg<sup>a</sup>, to bring Salt rather than Ballast, this Motive perhaps may engage their Attention to it.

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[ENCLOSURE 5.]

[LETTER TO THE AGENT.]

Reasons for the present Application to Parliament for liberty to import Salt from any part of Europe directly into his Majesties Colonies in America.

This being a subject unknown to many Gentlemen out of Trade, a few of the Arguments that may be urged in support of it, are intended, in order to explain what is Alleged in the Petition presented to the Honorable House of Commons the 18th of January, which only sets forth Facts. Indeed the Petitioners thought their case so self-evident, that it would have been troubling the house to enter into further Particulars. However, as two objections have been raised, it seems needful to state the Case more fully. and answer them.

We have twelve different Colonies on the Continent of North America. Four of them, Viz., Pennsylvania, New York, New England, and Newfoundl<sup>d</sup>, have liberty to import Salt from any part of Europe directly. The other eight, Viz., Virginia, Maryland, East and West Jersey, North and South Carolina, Georgia and Nova Scotia, as well as all the West India Islands, are deprived of it.

At present those Colonies on whose behalf the Petition is given, are supplied with Salt from the Isle of Mays in Africa, Sal Tortuga, and Turks Island in America, also a little from England; but are deprived of the only Salt that answers best for the principal use, Viz., to preserve Fish and other Provisions, twelve

Months, or a longer time. What they have from Great Britain is made from Salt Water by fire, which is preferred for all domestic uses. The African or American Salt is made from Salt water by the Sun; which is used for curing and preserving Provisions. The first, made by fire, is found, by long Experience, in warm Climates, to be too weak; the provisions cured with it turn rusty, and in Six or Eight Months become unfit for use. The Second kind, by the quantity of Alum, or some other vicious quality in it is so corrosive, that in less than twelve Months, the Meat cured with it is entirely deprived of all the Fat, and the lean hardened, or so much consumed, as to be of little service. The same ill qualities are found in these Salts with regard to fish: Wherefore the Arguments used, that they ought to have English Salt only, are as much as to say, they should be allowed to catch fish, or Salt any provisions, but let their Cattle and Hogs die without reaping the Advantage Nature has given them

In all Countries where a benefit can arise by fish or Provisions, Salt must be cheap; and as its value where made, is from ten to twenty Shillings the Ton, so the carriage of it to America is often more than the real value: It is in order to save part of the expence of carriage, this application is made; for altho' some Gentlemen do not seem to know it, yet we have liberty, by the present Laws in force, to carry any kind of European Salt to America, the Ship first coming to an English port, in order to make an Entry.

We have also liberty to bring it from any Salt Island in Africa or America; but by the Act of 15 Car. II, Chap. 7, Salt is supposed to be included under the Word Commodity; whereby it is, with all European Goods, prevented from being carried to America, unless first landed in England: the Consequence whereof is, that English Ships, which (I shall suppose) are hired to sail from London to Lisbon with Corn, and thence proceed to America, have not the liberty to carry Salt in place of Ballast, and therefore under a necessity to pay above £10 Ster. at Lisbon for Ballast (that is to say, for Sand), which they carry to America, or else return to England in order to get a Clearance for the Salt, which would be more expence than its value.

Now, had they liberty to carry Salt directly to America, they would not only save the Money paid for the sand, but also gain

by the freight of Salt perhaps £60 or £80 more. Thus on an Average every Ship that goes now empty from these Ports to America, might clear £70 and there are above an hundred Sail go that Voyage every Year. This is an Annual loss of £7,000 at least; and besides, as the Ship loses no time in this Case (Salt being as soon taken in as sand), they could afford to Sell the best Salt as cheap in America as is now paid for the worst; for as a Ship must make a long Voyage on purpose to get, and make it in the Salt Islands, so the expence thereof is more than the value of the Salt at Lisbon, St. Ibbes, &c.

At present a ship owned by Americans, can, and often does, Sail from Pennsylvania or New York with Wheat to Lisbon, &c., and returns directly (without coming to England) loaded with Salt, by which they clear, at a Medium, £60 on the Voyage back to New York, &c., whereas a ship, owned by Merchants in England, that carries Wheat to Lisbon, &c., and from thence Sails to Virginia, Carolina, &c., is not only deprived of that benefit, but also put to the expence of giving £10 or £15 for Sand to Ballast with.

No reason has been assigned why this liberty is given to American Ships, whose Cargoes hurt the Sale of our Wheat, and whose Vessels are fitted and Victualled in America, and yet should be refused to British Ships, fitted and Victualled at home, who are not only exporting our own Corn, but going to America, in order to return loaded with Tobacco, Rice, Sugar, &c., from thence to Great Britain.

This matter is therefore brought to a short issue; for if the liberty now asked, and already granted to from Colonies, is useful, it should be granted to all the others.

If it is found detrimental to Great Britain, then no Colony should be allowed it.

The benefits that would arise by granting the liberty requested are obvious, for our Ships going out with Corn to places in Europe, where Salt is made, and thence to America, would save £10 and gain £60, in all £70 in consequence, they could afford to carry our Corn out cheaper from England to these Ports; and the lower the freight is, the greater price can be given here for Wheat.

The Planters in North America would then have the best Salt

cheapest, and thereby be able to supply themselves, as well as his Majesties Navy in these parts, with better and cheaper Provisions than they can at present.

We, at this time, pay a large sum to Foreigners for their Sand, in place of which we may then take Salt. Now as we must pay them Money for Ballast, the question is, which is best to get for it, Salt, or Sand?

The only objections alleged against the Petition are: First, it will encourage smuggling of European Goods into America. Secondly, it will prevent the consumption of British made Salt in our own Colonys.

In Answer to the first objection; The ships that now sail to America with Sand Ballast, can smuggle with less danger than those which have Salt; for as the Master of every Ship that smuggles forfeits Ship and Cargo, so those who have fifty Tons of Salt on board, will certainly lose more than those who have fifty Tons of Sand.

But, say the objectors, this would encourage a Ship to go on purpose.

Answer, those who consider the length of the Voyage, the expences of Wages, Provisions, Wear and Tear of Ships, Port Charges, &c., must know the contrary. For as most kinds of European Goods, upon the exporting from England to America, draw back all the duty, excepting only two and a half  $\frac{1}{2}$  Cent. on the value, so this can be no temptation to any man in his Senses to run the risque of smuggling.

As to the second objection; The Colonies are, at present, supplied with Salt from different places in America and Africa, which tho' of a worse kind than the Brown or Bay Salt from Europe, Yet is by long experience in these Colonys, found to be preferable to England Salt, for curing and preserving their fish and Provisions; so that the refusing the Petition cannot increase the Consumption of English Salt, tho' it subjects the Planters (for fear of a scarcity of the other kind, which is often the case) to a needless expence of house-room, and waste, that is unavoidable in this Commodity.

If ships go on purpose with, or freight is paid for Salt, it enhances the price, so as to prevent the Consumption; nor could they take English Salt as Ballast only, were it equally useful;

for, should the Vessel prove leaky it would be all dissolved, and the ship subject to be Overset, which is not the Case with Foreign Salt, as it will lie a longer time in water than the usual Course of such Voyages, without any considerable Diminution.

To know the qualities of the different kinds of Salt used in America may be an Amusement to a speculative Man; but seems intirely out of the question in this Case; for whatever may be said on that head, long experience and the universal Agreement of all from America, as well as former Acts of Parliament, shew that the common white Salt will not answer the uses it is chiefly wanted for there.

As to what is called Loundes's brine Salt, that, and his many other Projects, seemed to be formed on the same plan with Subtle's in the Alchemist, his Scheme looking as if he only wanted the Money, and left it to others to make the Salt.

Salt can, without doubt, be made of any desired quality, but the price, the place of Delivery, and the quantity to be had of so usefull a Commodity must also be regarded.

We can get Salt at Sal Tortuga for the raking and putting it into our Ships; but the expense of a Voyage on purpose for it is greater than to buy it at a place from whence the freight may be all saved, And to have the best Salt on the cheapest terms, is, no doubt the intention of this application, as it certainly was of the other Colonies that have obtained this privilege.

On the whole it has been proved a real benefit to all the Colonies that have the liberty now asked for, and a great loss to those who are deprived of it, which is sensibly felt by them, and will soon be experienced at Nova Scotia, where no foreign Salt can now be legally imported from Europe till first brought to England, and as a Manifest Advantage will arise to our Shipping of 7 or 8,000lb ~~per~~ Ann., and to our Colonies of a much larger Sum by their Provisions, and this without any loss to the Trade or Revenue of Great Britain. It is therefore to be hoped the Prayer of the Petition will be granted; Viz: That leave may be given to bring in a Bill for liberty to import Salt from Europe into any of His Majesties Colonies in America.

(TO BE CONTINUED.)